IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 10529 of 2004

Between:

1 Pichika Venkanna S/o Naga Basava Raju
All the Petitioners are resident of Bandarulanka Amalapuram mandal, East Godavari District
2 P.Venkata Suryanarayana Reddy S/o Veeraraju
All the Petitioners are resident of Bandarulanka Amalapuram mandal, East Godavari District
3 P.Veera Naga Satya Dasakaswamy S/o Veeraju
All the Petitioners are resident of Bandarulanka Amalapuram mandal, East Godavari District
4 Uppugani Nagaratnam W/o Veeraju
All the Petitioners are resident of Bandarulanka Amalapuram mandal, East Godavari District
5 Konda Naga Venkata Basavaraju S/o Basavaraju
All the Petitioners are resident of Bandarulanka Amalapuram mandal, East Godavari District
6 P.Subba Rao S/o Dasumayya
All the Petitioners are resident of Bandarulanka Amalapuram mandal, East Godavari District
7 Bhojanapalli Bhemeswarao S/o B.V.Rao
All the Petitioners are resident of Bandarulanka Amalapuram mandal, East Godavari District
8 Karupathi Nagamalleswarao S/o Suranna
All the Petitioners are resident of Bandarulanka Amalapuram mandal, East Godavari District
9 Battu Nagalingam S/o Nagalingam
All the Petitioners are resident of Bandarulanka Amalapuram mandal, East Godavari District
10 Mattapathi Suryanarayana S/o Kanakam
All the Petitioners are resident of Bandarulanka Amalapuram mandal, East Godavari District

..... PETITIONER(S)

AND

1 Executive Engineer , Drainage Division, CERP, Division, Pragathi Bhavan, Kakinada
2 Deputy Executive Engineer Irrigation & Command Area Division (I &CAD) Amalapuram , East Godavari District
3 Revenue Divisional Officer Amalapuram East Godavari District

.....RESPONDENS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, or order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not considering the representations of the petitioners dt. 03/03/2004 and earlier correspondence claiming compensation for the loss of the coconut trees in their respective lands in survey Nos. 148, 114/3,4, 146/3, 118/6, 117/5, 6, 8/1,9/7A, 64/3, 114/8, 116/8 and 160/3 of Bandarulanka village, Amalapuram Mandal, East Godavari District as illegal, arbitrary and violative of Fundamental Rights guaranteed under the constitution of India, and consequently direct the respondent to pay compensation for the loss of cocount trees as claimed

Counsel for the Petitioner: MR.T.V.S.PRABHAKARA RAO

Counsel for the Respondent No.: GP FOR IRRIGATION & COMM AREA DEV.

The Court made the following :

ORDER:

Heard both sides and at their request, the main writ petition itself is taken up for disposal.

The petitioners herein who are the owners of the respective lands in Sy.Nos. 148, 114/3,4, 146/3, 118 /6, 117/5,6, 8/1, 9/7A, 64/3, 114/8, 116/8 and 160/3 of Bandarulanka village, Amalapuram filed this writ petition inter-alia seeking mandamus to declare the action of the respondents herein in not considering the representations filed by them on 03.03.2004 before the respondents 2 and 3 and the same is still pending without being considered and disposed of on merits.

Having heard the counsel and also perused the material, the only grievance of the petitioners being that of non consideration of the representation filed by them before the respondents 2 and 3, wherein they claimed compensation for the trees which have been destroyed or removed by the authorities at the time of widening of bund, it would be suffice in the interest of justice to direct the respondents herein to consider the representation said to have been filed by the petitioners.

The writ petition is accordingly disposed of directing the respondents 2 and 3 to consider the aforesaid representation and pass orders in accordance with law after giving opportunity to the parties within a period of two months. No costs.

03-08-2004

klp/kvsn

To

1 Executive Engineer , Drainage Division, CERP, Division, Pragathi Bhavan, Kakinada
2 Deputy Executive Engineer Irrigation & Command Area Division (I &CAD) Amalapuram , East Godavari District
3 Revenue Divisional Officer Amalapuram
East Godavari District

4. Two C.Cs to GP for Irrigation & Comm. Area Development, High court buildings, Hyderabad.

5. Two C.Ds.